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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,866	09/15/2003	Deepak Ayyagari	8371-156	3126
46404 7590 01/24/2008 MARGER JOHNSON & MCCOLLOM, P.C. - Sharp 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER WU, JIANYE	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/663,866

Applicant(s)

AYYAGARI, DEEPAK

Examiner

Jianye Wu

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Newsly added claim 20 raises new issues. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-4 and 6-19.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Seema S. Rao
SEEMA S. RAO 11/21/08
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

Response to Arguments

Applicant's arguments filed on 12/28/2007 have been fully considered but they are not persuasive.

1. For **claim 11** (page 7), Applicant argues:

a) Examiner has not identified where in Tanenbaum the parameters are analyzed;

b) Parameters are associated with an IP service an access point, not a connection.

The following are Examiner's responses:

a) IP packet is analyzed at network layer, this is disclosed by Tanenbaum (page. 413), as recited in the Office Action;

b) Accessing a connection is done via an service access point. Parameters associated with a connection are also associated with the corresponding access point.

2. For **claim 12** (page 8), Applicant argues "There is no indication that analysis of IP header fields depends on a priority associated with those fields".

In response, claim language of claim 12 does not specify that the priority parameter is associated with other fields (parameters).

For claims 1, 14-16, Applicant mainly argues Parameters are associated with an IP service access point, not a connection.

In response, accessing to a connection is done via service access point. Parameters associated with a connection is also associated with the corresponding access point.

For **claim 6** (page 11), Examiner maintains the position of rejection because Applicant's argument does not address claim language. For example, Applicant argues "there is no suggestion of routing the packet to the connection" (page 11, line 5-6 from the bottom), even though Office Action clearly read the limitation on "lines 1-3 of first paragraph of Section 5.2". Instead of argues specifically on the reason why Examiner's interpretation, Applicant simply states "there is no suggestion of routing the packet", even though the Title of the Section 5.2 is "**Routing Algorithms**". It appears Applicant does not read the Office Action carefully before makes a statement.

3. For **claim 13** (page 12), Applicant argues "There is no suggestion that an incoming data packet is analyzed for the quality of service parameters described in Fig. 6-2" and "Examiner has given no rational reason why an incoming data packet is analyzed for negotiation of quality of service".

In response, Tanenbaum discloses rational reason why an incoming data packet is analyzed for negotiation of quality of service in Option negotiation process in page 483, 5th paragraph (any negotiation process implicitly includes an analysis step), as recited in the Office Action.

Jianye Wu

1/12/08

A handwritten signature in black ink, consisting of a stylized 'J' and 'W' combined into a single fluid shape.